

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, FEBRUARY 5, 2002  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Murphy at 10:08 a.m. Mayor Murphy adjourned the meeting at 12:05 p.m.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

Clerk-Abdelnour (rl)

FILE LOCATION:

MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-not present
- (8) Council Member Inzunza-present

ITEM-10: INVOCATION

Invocation was given by Reverend Annie C. Watson of Prince Chapel By The Sea, AME Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Stevens.

ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS: APPROVED**

Approval of Council Minutes for the meetings of:

1/7/2002 at 6:00 p.m.  
1/8/2002

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A019-023.)

MOTION BY MAIENSCHIEIN TO APPROVE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on and presented Council with the first textbook printed in America called "The New England Primer".

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A150-185.)

PUBLIC COMMENT-2:

Noel Neudeck commented, via speaker phone, regarding wheel-chair access at the Padres Stadium and audio improvements he feels are needed to accommodate call-in citizens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A186-221.)

PUBLIC COMMENT-3:

Peter Camejo commented regarding the California Tree Preservation Act and solar energy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A222-272.)

PUBLIC COMMENT-4:

Jarvis Ross commented regarding residents of San Diego who are in support of Brown Field being converted into a cargo airport. Mr. Ross also commented on Mission Bay and its surrounding villages, Pacific Beach, Mission Beach, Clairemont, Pt. Loma, and Ocean Beach and those residents opposing the conversion of the historic Sea World from a marine educational park to an amusement park and the increased traffic on "F"-rated streets.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A273-315.)

PUBLIC COMMENT-5: **REFERRED TO ETHICS COMMISSION**

Comments by Francis Howard regarding the need for the City Council to support the State Initiative for clean elections and campaign finance reform. Ms. Howard expressed the need to provide candidates with the option of running their campaigns for the good of the City and not for special interests groups who make large campaign contributions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A316-380.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Maienschein commented regarding search efforts that are underway for Danielle Van Dam who is the missing youth from Sabre Springs.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A382-403.)

COUNCIL COMMENT-2:

Council Member Atkins commented regarding her attendance at Saturday's "Read San Diego" event.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A404-451.)

CITY ATTORNEY COMMENT:

NONE.

CITY MANAGER COMMENT:

City Manager Uberuaga commented regarding President Bush's proposed budget. Mr. Uberuaga plans to prepare a report on how this budget impacts San Diego.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A452-472.)

- \* ITEM-100: Resolution to Reduce Greenhouse Gas Emissions from Passenger Cars and Light-Duty Trucks.

(See Resolution to Reduce Greenhouse Gas Emissions from Passenger Cars and Light-Duty Trucks R-2002-923.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-923)                      ADOPTED AS RESOLUTION R-296030

Urging the State Air Resources Board to take immediate action to implement both short- and long-range programs to reduce emissions of carbon dioxide from on-road vehicles;

Urging the Governor and duly elected representatives to the State Legislature to co-sponsor and support AB-1058, which will require the Air Resources Board to implement a program to reduce Carbon Dioxide emissions from passenger cars and light-duty trucks in the State of California;

Directing the City Clerk to send a copy of the resolution to the Governor of the State of California, the Honorable Jim Battin, the Honorable Dede Alpert, the Honorable Steve Peace, the Honorable Christine Kehoe, the Honorable Jay LaSuer, the Honorable Howard Wayne and the Honorable Juan Vargas.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S  
RECOMMENDATION:**

On 1/23/2002, RULES voted 5-0 to approve. (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

**SUPPORTING INFORMATION:**

This resolution urges the Governor and the State Legislature to support AB-1058 which would require the California Air Resources Board to formulate and implement a program for reduction of carbon dioxide emissions from passenger cars and light-duty trucks within twelve months of the date of enrollment.

Lindquist

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A488-B076.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-nay, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-101: Adding a 1:00 p.m., Wednesday, March 6, 2002, Land Use and Housing Committee meeting.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

Adopt of the following resolution:

(R-2002-993) ITEM WITHDRAWN BY COUNCIL MEMBER WEAR

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period of January 1, 2002 through December 31, 2002, to add a Land Use and Housing Committee meeting on Wednesday, March 6, 2002 at 1:00 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A488-B076.)

CONSENT MOTION BY INZUNZA TO WITHDRAW THE ITEM TO AN  
UNANNOUNCED FUTURE DATE FOR CONSIDERATION BY FULL COUNCIL.  
Second by Frye. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea,  
Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-102: Two actions related to Sewer Group 636 - Quitclaim of Easements.

(North Park Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-952) ADOPTED AS RESOLUTION R-296031

Authorizing the City Manager to execute a quitclaim deed to Kathleen Tsang and David L. Tang, conveying all the City's right, title and interest in that certain sewer easement across Lots 36, 37, 44 and 45 granted to the City by Map 1597 of Virginia Square, dated September 15, 1913.

Subitem-B: (R-2002-953) ADOPTED AS RESOLUTION R-296032

Authorizing the City Manager to execute a quitclaim deed to Horizon House Owners Association Inc., conveying all the City's right, title and interest in that certain sewer easement across Lots 1, 5, and 12-15 granted to the City by Map 1597 of Virginia Square, dated September 15, 1913.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego is constructing new sewer mains in the public right-of-way to replace the inaccessible easement mains that serve the properties located at 1927 Florida Court and 1907 Robinson Avenue. The City will abandon the existing easement mains and terminate maintenance responsibility. The owners of these two properties have decided to continue use of

the existing easement sewer main to service their properties rather than to connect to the newly constructed sewer mains in the public right-of-way. As a result, the City has agreed to repair the existing easement mains that will continue to serve these properties, and then turn ownership and maintenance responsibility for these mains over to the property owners.

All other properties previously connected to the existing easement sewer mains have been successfully connected to the new sewer mains in the public right-of-way. Therefore, the repaired sewer mains will service only these two properties. Two agreements entitled "Agreement Between the City and the Private Property Owner to Provide Construction of a Private Sewer Lateral" were recorded May 14, 2001 as Documents 2001-0304255 and 257. These agreements define the responsibilities associated with the repair and privatization of the sewer lines serving these two properties. This action, quitclaiming the City's interest in these two sewer lines, will complete the privatization.

**FISCAL IMPACT:**

None.

Herring/Griffith/BLM

FILE LOCATION: DEED-F-9150

COUNCIL ACTION: (Tape location: A488-B076.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-103: Three actions related to Three Transportation Grant Applications.

(San Ysidro, North Park, Centre City, Mission Valley and Uptown Community Areas. Districts-2, 3, 6 and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-946) ADOPTED AS RESOLUTION R-296033

Authorizing the application, acceptance, and execution of a Federal Highway Administration Environmental Justice Transportation Planning Grant from the State of California Department of Transportation for the development of a pedestrian and bicycle mobility study in the San Ysidro community area.

Subitem-B: (R-2002-947) ADOPTED AS RESOLUTION R-296034

Authorizing the application, acceptance and execution of a Federal Highway Administration Community-Based Transportation Planning Grant from the State of California Department of Transportation for the North Park Transit Village project.

Subitem-C: (R-2002-948) ADOPTED AS RESOLUTION R-296035

Authorizing the application, acceptance and execution of a Federal Highway Administration Community-Based Transportation Planning Grant from the State of California Department of Transportation for a corridor study for evaluating transit priority measures in the Mission Valley, Uptown and Centre City communities.

**CITY MANAGER SUPPORTING INFORMATION:**

Staff has prepared three applications for financial assistance under the Federal Highway Administration and California Department of Transportation Community-Based Transportation Planning Grant program. Each application is more specifically described below:

San Ysidro Pedestrian / Bicycle Mobility Study - This project will develop strategies and measures to promote walkability, bicycling and improved accessibility to transit use for residents, visitors and business people. The objective is to promote alternative transportation modes for trips in the San Ysidro area of San Diego. The study will help implement the City's smart growth efforts in the San Ysidro community. The Planning Department proposes to request \$270,000 for consultant services needed to develop circulation and streetscape plans enhancing pedestrian and bicycle mobility in the San Ysidro area.

North Park Transit Village Project - This project will fund a corridor analysis for transit, vehicular, bicycle and pedestrian improvements in the North Park community. The project will propose improvements to University Avenue to make it more pedestrian and transit friendly and reduce conflicts between alternative modes of travel. The Planning Department proposes to request \$300,000 for this study.

Corridor Study for Evaluating Transit Priority Measures within Urban Villages - This study will focus on evaluating various transit priority measures to ensure high-speed operations that will provide time-competitive alternatives to the automobile. The study will also include assessing the feasibility of modifying parking, restriping travel lanes for bicycle lanes, evaluating traffic calming measures and increasing street lighting to enhance bicycle and pedestrian activity along the corridor.

The corridor to be evaluated will include the Fourth/Fifth Avenue couplet corridor between downtown and Fashion Valley. The corridor will identify opportunities for linking existing and future Urban Villages to each other and to major attractions within San Diego communities through transit priority measures in Mission Valley.

The Planning Department proposes to request \$240,000 for this study.

Ewell/Goldberg/MP

Aud. Cert. 2200738.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A488-B076.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-104: Developer Fees Fiscal Year 2001 Annual Report.

(See City Manager Report CMR-02-025.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-969)                      ADOPTED AS RESOLUTION R-296036

Accepting the Developer Fees Fiscal Year 2001 Annual Report and making findings related to unexpended balances as required by California Government Code Section 66001.

FILE LOCATION:                      MEET

COUNCIL ACTION:                      (Tape location: B077-087;C287-347.)

MOTION BY INZUNZA TO ADOPT WITH DIRECTION THAT THE CITY MANAGER'S OFFICE MEET WITH COUNCIL MEMBER INZUNZA'S STAFF AND SIMPLISTICALLY REVIEW THE ANNUAL REPORT ITEM-BY-ITEM ON VARIOUS PROJECTS IN DISTRICT 8 IN ORDER TO BE UPDATED ON WHAT MONEY IS LEFT OVER ON VARIOUS PROJECTS THAT CAN BE RE-APPROPRIATED TO OTHER DISTRICT 8 PROJECTS AND TO ALSO RE-PRIORITIZE THE PROJECT LIST FOR DISTRICT 8. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-105: Nigel Mayer and 'Big Mike' Phillips Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-992)                      ADOPTED AS RESOLUTION R-296037

Recognizing the hard work and dedication of Nigel Mayer and 'Big Mike' Phillips in their founding and stewardship of Ordinary Miracles over the past five years, and commending them for their unparalleled spirit of community service which has helped improve the quality of life for thousands of San Diegans;

Proclaiming January 21, 2002 to be “Nigel Mayer and ‘Big Mike’ Phillips Day” in San Diego.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Tape location: A488-B076.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-106: Second Amendment to Agreement - Hearst Joint Use Area.

(Navajo Community Area. District-7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-934)                      ADOPTED AS RESOLUTION R-296038

Authorizing the City Manager to execute a Second Amendment to Agreement with the Phoebe Hearst Elementary School Foundation for the construction of Phase IIIA of the Joint Use Improvements Project for Hearst Elementary School;

Authorizing the City Manager to transfer \$95,000 from CIP-29-531.0, Pershing Middle School - Joint Use Improvements, Capital Outlay Funds (Fund No. 30245) to CIP-29-530.0, Hearst Elementary School Joint Use Improvements;

Authorizing the City Manager to expend an amount not to exceed \$157,000 for use on CIP-29-530.0, Hearst Elementary School - Joint Use Improvements, as follows: \$95,000 from Pershing Middle School - Joint Use Improvements, Capital Outlay Funds (Fund No. 30245); \$22,000 from Park and Recreation Matching Funds (Fund No. 10365); \$1,579 from Lake Murray/Del Cerro Park Service District Funds (Fund No. 11370); and \$38,421 from Navajo Development Impact Fees (Fund No. 79506);

Authorizing the City Auditor and Comptroller to expend \$87,548 in cash and in-kind donations for the Phoebe Hearst Elementary School Foundation (Fund No. 63022) in CIP-29-530.0, Hearst Elementary School - Joint Use Improvements;

Amending the Fiscal Year 2002 Capital Improvements Program Budget by increasing the appropriation for CIP-29-530.0, Hearst Elementary School - Joint Use Improvements, by \$244,548, as follows: \$95,000 from Pershing Middle School - Joint Use Improvements, Capital Outlay Funds (Fund No. 30245); \$87,548 from private donations (Fund No. 63022); \$22,000 from Park and Recreation Matching Funds (Fund No. 10365); \$1,579 from Lake Murray/Del Cerro Park Service District Funds (Fund No. 11370); and \$38,421 from Navajo Development Impact Fees (Fund No. 79506).

**CITY MANAGER SUPPORTING INFORMATION:**

The Hearst Elementary School is located in the Del Cerro area of the Navajo Community Planning area. The community has initiated the development of the school's approximately four (4) acres of decomposed granite multi-purpose fields to accommodate athletic and recreational uses.

On October 30, 2000, the City of San Diego and the Phoebe Hearst Elementary School Foundation (Hearst Foundation) entered into an agreement to construct and provide construction management services for the lower field for the Phoebe Hearst Elementary School Joint Use Turfing Project, known as Phase IA. This has been completed.

On August 6, 2001, the First Amendment to the Agreement was approved by City Council for the Hearst Foundation to construct and provide construction management services for 30% of the upper field, known as Phase IIA. This phase has been completed.

The Second Amendment to the Agreement will revise the scope of services to: 1) provide construction of the remaining recreational facilities and complete the project; and 2) provide construction management for this work, known as Phase IIIA.

The Hearst Foundation has generously donated \$87,548 in cash towards Phase IIIA of the project.

**FISCAL IMPACT:**

Funds in the amount of \$157,000 are available from CIP-29-530, Hearst Elementary School - Joint Use Improvements as follows: \$95,000 from Capital Outlay Funds, Fund No. 30245, \$22,000 from Park and Recreation Matching Funds, Fund No. 10365, \$1,579 from Lake Murray/Del Cerro Park Service Funds, Fund No. 11370 and \$38,421 from Navajo Development Impact Fees, Fund No. 79505 for this purpose.

Currently \$30,934 has been appropriated to CIP-29-530.0 through previous Council action and \$87,548 in cash has been donated by the Hearst Foundation, total funding is \$275,482. Phase IA (\$330,525) and Phase IIA (\$107,582) have been funded. The total cost of all phases is \$713,589.

Funds for Pershing Middle School in the amount of \$95,000 are being transferred to Hearst Elementary School. Pershing Middle School will receive \$95,000 in 2000 Park Bond Funds in exchange.

Herring/Williams/DVW

Aud. Cert. 2200736.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A488-B076.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-107: Amendment to Consultant Services Agreement Regarding the Ballpark and Redevelopment Project, with Jacobs, Chase, Frick, Kleinkopf & Kelly LLC.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-995) ADOPTED AS RESOLUTION R-296039

Authorizing an amendment to the Retainer Agreement by Jacobs, Chase, Frick, Kleinkopf & Kelley LLC, for consulting services concerning the Ballpark and Redevelopment Project increasing the authorized amount for the Agreement by \$100,000;

Authorizing the expenditure of an amount not to exceed \$100,000 from Fund 102214, Dept. 102214, Org. No. 200, Object Account 4141, Job Order 000203 for providing funds for the project.

**SUPPORTING INFORMATION:**

This action will amend the existing Jacobs, Chase, Frick, Kleinkopf & Kelley LLC, agreement for outside consultant services to assist the City Attorney and City Manager regarding the Ballpark and Redevelopment Project by \$100,000 for a total agreement of \$1,042,000.

Additional services from this firm is necessary and appropriate because issues concerning the implementation of the Ballpark and Redevelopment Project have arisen due to the inordinate delay associated with Project. Participation from the City's negotiating team is necessary to resolve these issues and successfully implement the Project.

Herring/Girard/JS

Aud. Cert. 2200730.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: A488-B076.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-108: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-986)                      ADOPTED AS RESOLUTION R-296040

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION:                      GEN'L-State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION:                      (Tape location: A488-B076.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-109: Declaring a Continued Local Health Emergency due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-935)                      ADOPTED AS RESOLUTION R-296041

Declaring a Continued Local Health Emergency due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

FILE LOCATION:                      GEN'L-Local Health Emergency due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV)

COUNCIL ACTION:                      (Tape location: A488-B076.)

CONSENT MOTION BY INZUNZA TO ADOPT WITH THE FOLLOWING DIRECTION TO HAVE THE ISSUE RE-EVALUATED OBJECTIVELY IN THE COURSE OF ONE YEAR AND DECIDE THEN IF THIS EMERGENCY SHOULD BE CONTINUED. COUNCIL MEMBER STEVENS WOULD LIKE CLARIFICATION TO BE PROVIDED IN THE BACKUP MATERIAL WORDED "STATE OF EMERGENCY IN ORDER TO CONTINUE THE NEEDLE EXCHANGE PROGRAM". Second by Frye. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

- \* ITEM-110: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-899)                      ADOPTED AS RESOLUTION R-296042

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

FILE LOCATION:                      GEN'L-State of Emergency Due to Economic  
Circumstances in the San Diego-Tijuana Border Region

COUNCIL ACTION:                      (Tape location: C269-286.)

MOTION BY ATKINS TO ADOPT WITH THE DIRECTION FOR STAFF TO PROVIDE A BRIEF STAFF REPORT IN ONE WEEK. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Amending the Annual Budget for the Fiscal Year 2001-2002 by increasing the Engineering and Capital Projects Department's budget by adding a position of Public Information Officer.

**CITY MANAGER'S RECOMMENDATION:**

Introduce and adopt the following ordinance:

(O-2002-54)                      NOTED AND FILED WITH DIRECTION

Introduction and adoption of an Ordinance amending Ordinance O-18964 "Adopting the Annual Budget for the Fiscal Year 2001-2002 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year," by increasing the Engineering and Capital Projects Department's budget by adding a position of Public Information Officer.

**NOTE:** This Ordinance requires two public hearings pursuant to the City Charter. The first public hearing was held on January 22, 2002, Item 152, Subitem C. Today's action is the second public hearing for the introduction and adoption of the ordinance.

**FILE LOCATION:**                      MEET

**COUNCIL ACTION:**                      (Tape location: B300-C268.)

MOTION BY PETERS TO APPROVE THE MANAGERS RECOMMENDATION.  
No second. Motion withdrawn.

MOTION BY PETERS TO NOTE AND FILE WITH THE FOLLOWING DIRECTION TO THE CITY MANAGER TO: PLAN A: FIND SOMEONE WITHIN THE CITY WHO COULD DO THIS WITHOUT CREATING A NEW POSITION; PLAN B: IF THE MANAGER CAN NOT DO THAT, THEN DETERMINE WHETHER WE COULD WAIT UNTIL WE CAN DEAL WITH THIS ISSUE IN THE REGULAR BUDGET PROCESS OR THE REGULAR MID-YEAR PROCESS; PLAN C: IF THAT DOESN'T WORK THEN ASK THAT THE MANAGER BRING IT BACK WITH A REPORT ON THOSE TWO INVESTIGATIONS. Second by Stevens. Passed by the following vote: Peters-yea, Wear-nay, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-330: Support for Tax-Exempt Financing for the Mercado Del Barrio Commercial Redevelopment Project.

(Barrio Logan/Harbor 101 Community Planning Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-954 Cor. Copy)      RETURNED TO CITY MANAGER

Approving the issuance of the Enterprise Zone Bonds in an aggregate principal amount not to exceed \$3,000,000 by the California Statewide Communities Development Authority for the acquisition, design, construction, improvement, and equipping of a retail shopping center to be owned and operated by the Mercado Alliance and to be located within the City of San Diego;

Authorizing the officers of the City, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of the resolution and the financing transaction approved hereby.

**CITY MANAGER SUPPORTING INFORMATION:**

The City Council is requested to hold a Tax Equity and Fiscal Responsibility Act (TEFRA) hearing and adopt a resolution supporting issuance of up to \$3 million of tax-exempt conduit revenue Enterprise Zone Facilities Bonds (EZB's) by the California Statewide Communities Development Authority joint powers agency (CSCDA) on behalf of the San Diego Mercado Alliance, a joint partnership of Land Grant Development and the MAAC Project (the Applicant), in accordance with federal tax code requirements to achieve tax-exempt status and with procedures established by the State Treasurer's Office to obtain the needed Year 2002 private activity bond volume cap allocation. CSCDA has previously issued conduit bonds, including EZB's, for many San Diego businesses' capital expansion projects and the City has previously held related TEFRA hearings.

The EZB's will finance the Mercado del Barrio Commercial Redevelopment Project, a \$17.5 million/115,000 square-foot shopping center (the Project). The Project will be situated in

the Barrio Logan community on a 7-acre Redevelopment Agency-owned site (for which approximately \$5 million in land and UDAG Grant proceeds have been contributed to date) bounded by Crosby Street to the north, National Avenue to the east, Dewey Street to the South and Main Street to the west. El Tigre, an established Hispanic-oriented chain, is proposed as the anchor tenant, occupying a 36,000 square-foot supermarket space. The adjacent 79,000 square-foot retail center will contain a mix of national chain and community tenant businesses.

With the adoption of a City Council resolution supporting this financing by CSCDA, the Applicant will gain access to low-cost, tax-exempt financing at no cost or risk to the City or the Agency, thus facilitating the removal of blight, providing much-needed services to the Barrio Logan community and creating (in addition to temporary construction jobs), approximately 60-120 new permanent jobs, at least 35% of which must be filled by Enterprise Community residents.

**FISCAL IMPACT:**

Based on the proposed financing amount of \$3 million, origination fees totaling \$7,500 would be paid into the City's IDB Administrative Expense Fund (10240).

Herring/Cunningham/MAS

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A475-487.)

MOTION BY INZUNZA TO RETURN TO THE CITY MANAGER FOR FURTHER WORK ON THE PROJECT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

**HEARING HELD; REFERRED TO CLOSED SESSION**

**ITEM A - Headquarters Point Research Park**

Property: An approximate 10.3 acre area of Headquarters Point Research Park located west of Wateridge Circle and east of Lusk Boulevard (APN 340-090-55)

City Negotiator: Real Estate Assets Director

Negotiating Party: Life Science Point LLC

Under negotiation: Seeking direction on property disposition and provisions to include in a Letter of Interest

**ITEM B - San Diego Mission Bay Boat and Ski Club**

Property: An approximate 4 acre parcel adjacent to Rose Creek in Mission Bay Park (APN 760-035-04)

City Negotiator: Real Estate Assets Director

Negotiating Party: San Diego Mission Bay Boat and Ski Club

Under negotiation: Lease negotiations for potential relocation from existing site to South Shores area of Mission Bay Park.

**ITEM C - Orfila Vineyards**

Property: Approximately 121 acres at 13455 San Pasqual Road (APN 760-170-71)

City Negotiator: Real Estate Assets Director

Negotiating Party: Orfila Vineyards

Under negotiation: Lease amendment for audit deficiency settlement

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket only for public testimony.

**There is no Council discussion of this item. The City Council's actions are:**

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on these subjects; 2) Conclude and close the public hearing; and 3) Refer these matters to Closed Session on February 5, 2002.

**NOTE:** Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

**COUNCIL ACTION:** (Tape location: B292-299.)

Hearing began at 11:11 a.m. and halted at 11:12 a.m.

ITEM-350: Settlement of the Claim of Continental Maritime of San Diego, et al.

(R-2002-943)

Adopted as Resolution R-295961.

A Resolution approved by the City Council in Closed Session on Tuesday, January 15, 2002, by the following vote: Peters-not present; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the sum of \$1,100,000 in complete settlement of each and every claim against the City of San Diego, its agents and employees, resulting from the claim of Continental Maritime of San Diego, et al., as a result of an incident which occurred on October 25, 2001;

Authorizing the City Auditor and Comptroller to issue several checks in the total amount of up to but not exceeding \$1,100,000 made payable to various payees, in settlement of all claims.

Aud. Cert. 2200708.

ITEM-351: Settlement of the Personal Injury Claim of Stanley Dale and Anna Dale.

(R-2002-828)

Adopted as Resolution R-295931.

A Resolution approved by the City Council in Closed Session on Tuesday, January 8, 2002, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$45,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Stanley Dale and Anna Dale (District Court Case No. 00cv1776L (RBB), Stanley Dale, et al. v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$45,000 made payable to Stanley Dale, Anna Dale, and their attorney of record, Michael R. Marrinan, in full settlement of all claims.

Aud. Cert. 2200624.

ITEM-352: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivision:

SUBDIVISION

Scripps Ranch North Unit No. 14

COMMUNITY AREA

Miramar Ranch North

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-S400: American Subcontractor's Association Day.

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1001)            ADOPTED AS RESOLUTION R-296043

Recognizing the graciousness and dedication of the members of the San Diego Chapter of the American Subcontractor's Association and proclaiming February 5, 2002 to be "American Subcontractor's Association Day" in the City of San Diego.

**SUPPORTING INFORMATION:**

Commending the American Subcontractor's Association for its invaluable service to the neighborhood of Fox Canyon in City Heights. By taking on a wonderful community project when they were contacted by a homeowner who needed help after losing her life savings to a fraudulent contractor who left her home in an unlivable condition, the Association showed dedication to public service and restored the home.

Proclaiming February 5, 2002 to be "American Subcontractor's Association Day" in San Diego.

Agey

FILE LOCATION:            AGENDA

COUNCIL ACTION:            (Tape location: A024-062.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-S401:           Initiate a Community Plan Amendment to change the Community Plan Area name from Sorrento Hills to Torrey Hills.

(Sorrento Hills Community Area. District-1.)

**COUNCILMEMBER PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1007)           ADOPTED AS RESOLUTION R-296044

Initiating a Community Plan Amendment to change the Community Plan Area name from Sorrento Hills to Torrey Hills.

**SUPPORTING INFORMATION:**

The request for the community name change originated with the community in an effort to better establish their identity as a community. Councilmember Peters is supporting the community in its desire to change their community plan area name from Sorrento Hills to Torrey Hills. The first step to this name change is to have the City Council initiate a Community Plan Amendment. This would then allow staff to proceed with preparing the revisions and processing the amendment. The initiation process is covered by Section 122.0103 of the Land Development Code which states the City Council may initiate an amendment to a community plan by adopting a resolution.

Cameron

**FILE LOCATION:**           LAND-Sorrento Hills (10)

**COUNCIL ACTION:**           (Tape location: A488-B076.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-S402: Appointments and Reappointment to the Horton Plaza Theatres Foundation Board.

(See resumes.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1028) ADOPTED AS RESOLUTION R-296045

Council confirmation of the following appointments and reappointment by the Mayor to serve as members of the Horton Plaza Theatres Foundation Board, for three-year terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Darlene Gould Davies (Reappointment)	June 7, 2004
Martha Ehringer (Replaces William Virchis, whose term has expired)	August 31, 2004
Cheryl A. Fisher (Replaces Floyd Gaffney, whose term has expired)	June 7, 2004
Paul Marshall (To fill seat currently open)	June 7, 2004

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A488-B076.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-S403: Golden Turner Settlement Agreement.

(Centre City Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1026) ADOPTED AS RESOLUTION R-296046

A Resolution approved by the City Council in Closed Session on Tuesday, January 22, 2002, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$2,800,000 in the settlement of each and every claim of Golden Turner against the City, its agents and employees, resulting from damages regarding the Convention Center Expansion project and that Golden Turner agrees to indemnify and defend the City from any and all claims or costs related to Golden Turner's work on the Convention Center Expansion project;

Authorizing the City Manager to execute a final settlement agreement with Golden Turner in the amount of \$2,800,000;

Authorizing the increased appropriation of \$900,000 from Convention Center Expansion Fund No. 102212 and \$1,225,016 from Public Liability Reserve Fund No. 81140 to Convention Center Expansion CIP-370100;

Authorizing the expenditure of an amount not to exceed \$2,800,000 from Convention Center Expansion CIP-370100 for the payment of the final settlement agreement with Golden Turner provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for such expenditure are, or will be, on deposit with the City Treasury.

Aud. Cert. 2200756.

**NOTE:** The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A488-B076.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S404: Torrey View Estates.

Matter of approving, conditionally approving, modifying or denying a request for a Vesting Tentative Map, Rezone, Site Development Permit and Planned Development Permit to subdivide an existing 11.85 acre residential property into eight lots of a minimum one acre each for future development of custom single family homes. The project site is located on the south side of Arroyo Sorrento Road between Tierra Del Sur and Arroyo Sorrento Place, in the Carmel Valley Community Plan area. The project proposes to rezone the property from AR-1-1 (Agricultural-Residential minimum 10 acre lots) to AR-1-2 (Agricultural-Residential minimum 1 acre lots).

(Continued from the meetings of January 15, 2002, Item 333 and January 29, 2002, Item 332; last continued at the request of Councilmember Peters so he can be in attendance.)

**NOTE:** No public testimony taken on January 29, 2002. The Public Testimony portion of the hearing is open.

Public Testimony was taken on January 15, 2002. The Public Testimony portion of the hearing is open.

(VTM/PDP/SDP/RZ-40-0197. Carmel Valley Community Plan Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolution in subitem A; adopt the resolution in subitem B to grant the map; adopt the resolution in subitem C to grant the permits; and introduce the ordinance in subitem D:

Subitem-A: (R-2002-929) Cor. Copy      ADOPTED AS RESOLUTION R-296047

Adoption of a Resolution certifying that the information contained in Revised Mitigated Negative Declaration LDR-40-0197 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California code of Regulations section 15000 et seq.), that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Torrey View Estates project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Revised Mitigated Negative Declaration is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2002- )      ADOPTED AS RESOLUTION R-296048

Adoption of a Resolution granting or denying Tentative Map TM-40-0197, with appropriate findings to support Council action.

Subitem-C: (R-2002- )      ADOPTED AS RESOLUTION R-296049

Adoption of a Resolution granting or denying Planned Development Permit/Site Development Permit No. 40-0197, with appropriate findings to support Council action.

Subitem-D: (O-2002-73) Cor. Copy

INTRODUCED; TO BE ADOPTED ON  
MONDAY, FEBRUARY 25, 2002

Introduction of an ordinance changing 11.85 acres located at 4049 Arroyo Sorrento Road on the south side of the road between Tierra Del Sur and Arroyo Sorrento Place, in the Carmel Valley Community Plan area, from the AR-1-1 zone into the AR-1-2 zone, as defined by San Diego Municipal Code Section 131.0404; and repealing Ordinance O-10936 (New Series), adopted October 5, 1972, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

**OTHER RECOMMENDATIONS:**

Planning Commission on November 15, 2001, voted 5-0-0 to recommend approval of the project as proposed and conditioned. The Planning Commission also directed staff to advise the City Council of their concern that the potential public connection from Arroyo Sorrento Road to the open space south of the project site would be lost with approval of this project because there is no mechanism for the City to require the applicant to provide such a connection; was opposition.

Ayes: Stryker, Garcia, Lettieri, Brown, Butler  
Not present: Anderson, Schultz

The Carmel Valley Community Planning Board on February 15, 2001, voted 12-0-0 to submit a letter with their concerns and conditions of approval for the project. The project was redesigned by the applicant and now satisfies most of the Planning Board's concerns. Two issues remain: 1) the Planning Group has requested that pedestrian access be provided through the Torrey View Estates property to allow neighboring residents to access the open space area immediately south of the project site. The applicant has not proposed such an access, nor is it a requirement of the City Land Development Code or the Carmel Valley Community Plan; and 2) the Planning Board requested that no more than two of the five proposed homes along Arroyo Sorrento Road would have "front loaded" garages, facing the street. The project as currently designed and conditioned does not require this, although a maximum 2-car width garage would be allowed along Arroyo Sorrento Road.

**CITY MANAGER SUPPORTING INFORMATION:**

**BACKGROUND**

The Torrey View Estates project proposes to subdivide an existing 11.85 acre residential property in the Carmel Valley Community Plan area into eight (8) lots of a minimum one acre each for future development of 8 custom single-family residences. The project site is located at 4049 Arroyo Sorrento Road on the south side of the road between Tierra Del Sur and Arroyo Sorrento Place. The property is currently zoned AR-1-1 (Agricultural-Residential, minimum 10 acre lots). The project proposes to rezone the property to AR-1-2 (Agricultural-Residential, minimum 1 acre lots) to allow the creation of the 8 proposed lots. On May 1, 1996, Hillside Review and Grading Review Permit No. 94-0277 was issued for the project site to allow development of a 5,000 square-foot, one-story single family home with swimming pool, plus 10,000 square-foot croquet court and garden area with a 750 square-foot gazebo. Grading has commenced under that permit, and the project site has also been used as a construction staging area for the adjacent project to the east (Torrey Woods Estates). An existing flood water storage easement and desiltation basin and access easement have been developed on site by the developer to the east, Torrey Pines Home Building Company, and shall be maintained by that developer. Other than these improvements, the project site is vacant.

As biological resource mitigation for Hillside Review Permit (HR) No. 94-0277, 4.11 acres of the site were to be dedicated as open space. However, only 3.75 acres were actually dedicated per the recorded easements. The proposed Torrey View Estates project would amend and rededicate a total of 4.11 acres into open space easement for biological resources mitigation on-site, as required.

Surrounding land uses include the residential development (Torrey Woods Estates) to the east, multi-family residential units to the south (Loma Sorrento), a single family home with horse corrals and greenhouse to the west, and vacant land to the north.

The project site contains steep slopes and sensitive habitats. A Site Development Permit is therefore required for the project in accordance with the Environmentally Sensitive Lands Regulations. Access to three of the eight proposed lots would be via a gated private driveway off of Arroyo Sorrento Road. Due to the proposed frontage on the private driveway in lieu of a public right-of-way, a Planned Development Permit is required for the project.

**PROJECT DESCRIPTION**

The proposed Torrey View Estates project includes a request for a Vesting Tentative Map, Planned Development Permit, Site Development Permit and a Rezone from AR-1-1 to AR-1-2 to create eight

(8) custom home lots of a minimum one acre in size each. The eight proposed lots range in size from 1.0 acres to 3.30 acres. Each lot would provide a minimum of four parking spaces on site. The proposed project includes Design Guidelines for development of the custom homes, which would range in size from 2,800 square feet to 6,500 square feet. The lots would be sold and developed separately, and there are no specific development proposals at this time. Design of the custom homes would be in accordance with the Design Guidelines. Conformance with the Design Guidelines would be determined by staff through a Substantial Conformance Review process prior to issuance of building permits, as required in the draft Permit. The Design Guidelines specify architectural characteristics and styles designed to ensure quality development that is compatible with the surrounding neighborhood and environmentally sensitive. Permitted architectural styles include French Country, Spanish Colonial, English Country, Italian, and Tuscan, as presented in the Design Guidelines.

Vehicular access to three of the eight lots (Lots 6-8) would be via a gated private driveway off of Arroyo Sorrento Road. The proposed gate is in compliance with Council Policy 600-42 for controlled access. Access to Lots 1-5 would be directly from Arroyo Sorrento Road and would be in conformance with the zone requirements.

Grading is proposed to create the custom home lots, in addition to grading that is already occurring pursuant to HR-94-0277. Currently, approximately 57% of the site has been disturbed by grading. An additional 7% of the site would be graded with the proposed project. Approximately 2,500 cubic yards of cut and 37,000 cubic yards of fill are proposed, with a net import amount of 34,500 cubic yards. Grading has been designed to minimize the impact to natural landforms and the custom home sites have been located so as to minimize the environmental and visual impact of the future homes. As a condition of the permit, the elevation of the pads along Arroyo Sorrento Road shall not be increased.

The proposed project includes an amendment and rededication to the City's open space preserve. As a condition of the previous HR-94-0277, a total of 4.11 acres of undisturbed land was to have been placed into three dedicated open space easements as mitigation for biological impacts of the approved single family project. However, only 3.747 acres of the site were actually dedicated. To correct this situation, the currently proposed project would rededicate the open space easements to achieve the total required amount of 4.11 acres.

**HOUSING AFFORDABILITY IMPACT:** The proposed residential project is not required to provide an affordable housing component due to its location within a "planned urbanizing" rather than a "future urbanizing" community. Other issues related to housing affordability such as demolition of rental housing are not applicable to the vacant property and relatively small number of market-rate dwelling units proposed.

**TRAFFIC IMPACT:** The Torrey View Estates project is estimated to generate approximately 80 average daily trips (ADT). Twenty (20) of these trips are estimated to occur on Interstate 5 south of State Route 56, which has an estimated near-term volume of 262,020 ADT. Caltrans is planning to widen Interstate 5 to provide 10 additional lanes south of State Route 56 to be completed by 2004.

**FISCAL IMPACT:** None with this action.

Ewell/Christiansen/VLG

**LEGAL DESCRIPTION:**

The project site is located on the south side of Arroyo Sorrento Road between Tierra Del Sur and Arroyo Sorrento Place, in the Carmel Valley Community Plan area and is more particularly described as Lot 6 of Sorrento Estates, Map 8735, in the City of San Diego, County of San Diego

**FILE LOCATION:** PERM-40-0197 (65)

**COUNCIL ACTION:** (Tape location: B088-291.)

Hearing began at 10:55 a.m. and halted at 11:05 a.m.

Testimony in opposition by Anne Harvey.

Testimony in favor by Rebecca Michael and Robert Friedman.

MOTION BY PETERS TO ADOPT THE RESOLUTION IN SUBITEM A; ADOPT THE RESOLUTION IN SUBITEM B TO GRANT THE MAP WITH THE FOLLOWING CONDITION: PRIOR TO THE RECORDING OF THE FINAL MAP A 4-FOOT WIDE WALKING PATH ALONG THE SOUTHERN PORTIONS OF LOT 6 AND 7 CONFIGURED IN SUCH A MANNER SO AS NOT TO DESTROY TREES AS SHOWN IN EXHIBIT A, SHALL BE OFFERED FOR DEDICATION AS A PEDESTRIAN ONLY PUBLIC RIGHT-OF-WAY; PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY THE WALKING PATH SHALL BE IMPROVED WITH DECOMPOSED GRANITE AND A RANCH-STYLE FENCE MADE OF EITHER WOOD OR PVC VINYL; THE WALKING PATH SHALL BE MAINTAINED BY THE OWNERS OF LOT 6 AND 7 UNTIL THE ACCEPTANCE OF THE DEDICATION BY THE CITY OF SAN DIEGO; ON ACCEPTANCE OF THE DEDICATION THE WALKING PATH WILL BE MAINTAINED BY THE CITY; IF THE CITY DOES NOT ACCEPT THE DEDICATION WITHIN THREE YEARS OF THE RECORDING OF THE FINAL MAP THE OFFER

SHALL TERMINATE; TO ADOPT THE RESOLUTION IN SUBITEM C TO GRANT THE PERMITS; AND INTRODUCE THE ORDINANCE IN SUBITEM D WITH DIRECTION TO PROVIDE COUNCIL WITH: 1) INPUT AND COMMENTS ON MANAGER'S REPORTS ON THE TRAFFIC IMPACTS ON FREEWAYS AND SREETS AND SPECIFIC TIMES OF COMPLETION OF FREEWAYS THAT ARE RATED "F" AND TO PROVIDE COMMENTS ON OTHER QUESTIONS THAT ARE REPEATEDLY ASKED BY COUNCIL ON ALL ITEMS THAT ADD ADDITIONAL TRAFFIC TO THE FREEWAYS THAT ARE NOW "F" RATED; 2) COPIES OF THE REVISED GRADING PLANS AND THE REVISED STORM WATER POLLUTION PREVENTION PLAN; AND COUNCIL MEMBER FRYE WOULD ALSO LIKE TO SEE WHAT THE PROCESS IS AND DETERMINE IF THERE IS A WAY TO MAKE THE PROCESS EASIER. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S405: NBC 7/39 Day.

(Centre City Community Area. District-2.)

**COUNCILMEMBER WEAR'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1040)            ADOPTED AS RESOLUTION R-296050

Proclaiming February 5, 2002 to be "NBC 7/39 Day" in the City of San Diego.

**FILE LOCATION:**            MEET

**COUNCIL ACTION:**            (Tape location: A063-149.)

MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

**ADJOURNMENT:**

The meeting was adjourned by Mayor Murphy at 12:05 p.m. in honor of the memory of:  
Michael Mann as requested by Councilmember Frye and  
Jack Winer as requested by Councilmember Madaffer and Mayor Murphy.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C348-460).